

INITIATIVE 208

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 208 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to youth athletic facilities; adding a new chapter
2 to Title 43 RCW; and declaring an emergency.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
5 coordinated efforts are needed to maintain, develop, and improve the
6 state's youth athletic facilities. Rapid population growth and
7 increased urbanization have caused a decline in suitable facilities for
8 youth athletic activities and resulted in overcrowding and
9 deterioration of existing facilities. Lack of adequate youth athletic
10 facilities directly affects the health and well-being of all citizens
11 of the state, reduces the state's economic viability, and prevents
12 Washington from maintaining and achieving the quality of life that it
13 deserves. It is therefore the policy of the state and its agencies to
14 maintain, develop, and improve youth athletic facilities.

15 (2) In carrying out this policy, the mission of the youth athletic
16 facilities council and its staff is to:

17 (a) Create and work actively for the implementation of unified
18 state-wide strategy for meeting the youth athletic facilities needs of
19 Washington's citizens;

(b) Represent and promote the interests of the state on youth athletic facilities issues in concert with other state and local agencies and the governor;

(c) Encourage and provide interagency and regional coordination, and interaction between public and private organizations;

(d) Administer youth athletic facility grant-in-aid programs and provide technical assistance; and

(e) Serve as a repository for information, studies, research, and other data relating to the acquisition, development, equipping, maintenance, and improvement of youth athletic facilities.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the youth athletic facility grant account created in RCW 43.99N.060(4).

(2) "Council" means the Washington state youth athletic facilities council.

(3) "Director" means the director of the council.

(4) "Youth athletic facility" means any land with or without improvements, or any building, which land or building may be used for athletic activities by any person under nineteen years of age.

NEW SECTION. **Sec. 3.** There is created the youth athletic facilities council consisting of the director of parks and recreation, and the director of the interagency committee for outdoor recreation, or their designees, and, by appointment of the governor, five members from the public at large who have a demonstrated interest in and a general knowledge of youth athletics in the state. The speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate shall each recommend to the governor a person to be appointed to the council. In appointing members from the public at large, the governor shall use best efforts to achieve a balance among members based upon factors of geographic, racial, ethnic, and gender diversity. The terms of members appointed from the public at large commence on January 1st of the year of appointment and are for three years or until a successor is appointed, except in the case of appointments to fill vacancies that must be filled in the same manner as the original appointment was made and must be for the remainder of

1 the unexpired term. However, initial members shall be appointed for
2 terms as follows: One member for one year; two members for two years;
3 and two members for three years. The governor shall designate the
4 initial terms of office for the initial members who are appointed. The
5 governor shall appoint one of the members from the public at large to
6 serve as chair of the council for the duration of the member's term.
7 Members employed by the state shall serve without additional pay and
8 participation in the work of the council shall be deemed performance of
9 their employment. Members from the public at large shall be
10 compensated in accordance with RCW 43.03.240 and shall be entitled to
11 reimbursement individually for travel expenses incurred in performance
12 of their duties as members of the council in accordance with RCW
13 43.03.050 and 43.03.060.

14 NEW SECTION. **Sec. 4.** The director shall be appointed by, and
15 serve at the pleasure of, the governor. The governor shall select the
16 director from a list of three candidates submitted by the council.
17 However, the governor may request and the council shall provide an
18 additional list or lists from which the governor may select the
19 director. The lists compiled by the council shall not be subject to
20 public disclosure. The director must have background and experience in
21 the areas of youth athletics management and policy. The director must
22 be paid a salary to be fixed by the governor in accordance with the
23 provisions of RCW 43.03.040.

24 NEW SECTION. **Sec. 5.** The council has the following powers and
25 duties:

26 (1) To prepare and update a strategic plan for the development,
27 maintenance and improvement of youth athletic facilities in the state.
28 The plan must be prepared in coordination with the office of the
29 governor and the office of financial management, with participation of
30 federal, state, and local agencies having youth athletic
31 responsibilities, user groups, private sector interests, and the
32 general public. The council shall submit the plan and its policy
33 recommendations to the governor. The plan must include, but is not
34 limited to:

- 35 (a) An inventory of current youth athletic facilities;
36 (b) A forecast of demand for such facilities;

1 (c) Identification and analysis of actual and potential funding
2 sources;

3 (d) A process for broad scale information gathering;

4 (e) An assessment of the capabilities and constraints, both
5 internal and external to state government, that affect the ability of
6 the state to achieve the goals of the plan;

7 (f) An analysis of strategic options and decisions available to the
8 state;

9 (g) An implementation strategy that is coordinated with executive
10 policy and budget priorities; and

11 (h) Elements necessary to qualify for participation in or the
12 receipt of aid from any federal program for youth athletic facilities;

13 (2) Notwithstanding any other provisions of law, to establish the
14 eligibility criteria for cities, counties, and qualified nonprofit
15 organizations in applying and qualifying for grants from the account;

16 (3) To encourage and provide opportunities for interagency and
17 regional coordination and cooperative efforts between public agencies
18 and between public and private entities involved in the maintenance,
19 development, and improvement of youth athletic facilities;

20 (4) To appoint such technical and other committees as are necessary
21 to carry out the purposes of this chapter; and

22 (5) To create and maintain a repository for data, studies,
23 research, and other information relating to youth athletic facilities
24 in the state, and to encourage the interchange of the information.

25 NEW SECTION. **Sec. 6.** The director has the following powers and
26 duties:

27 (1) To appoint and hire such personnel as are necessary to carry
28 out the duties of the council;

29 (2) To supervise the administrative operations of the council and
30 its staff;

31 (3) To administer youth athletic facility grant-in-aid programs in
32 accordance with council policies and procedures and provide technical
33 assistance to cities, counties, and qualified nonprofit organizations;

34 (4) To represent and promote the interests of the state on youth
35 athletic facilities issues and further the mission of the council; and

36 (5) Upon approval of the council, to enter into contracts and
37 agreements with private nonprofit corporations to further state goals

1 of maintaining, developing and improving youth athletic facilities for
2 the public benefit and use.

3 NEW SECTION. **Sec. 7.** The interagency committee for outdoor
4 recreation shall include the director, or the director's designee, as
5 a member.

6 NEW SECTION. **Sec. 8.** When requested by the council, members
7 employed by the state shall furnish assistance to the council from
8 their departments for the analysis and review of proposed plans and
9 projects, and the assistance is a proper charge against the
10 appropriations to the several agencies represented on the council. A
11 department of the state that furnishes assistance to the council for
12 any council purpose may properly charge the assistance against the
13 appropriations to the state agency providing the assistance.
14 Assistance may be in the form of money, personnel, or equipment and
15 supplies, whichever is most suitable to the needs of the council.

16 NEW SECTION. **Sec. 9.** The council shall administer the account in
17 accordance with this chapter, the relevant provisions of RCW
18 43.99N.060(4), and chapter 67.32 RCW, and shall hold it separate and
19 apart from all other money, funds, and accounts of the council.
20 Notwithstanding any other provisions of law, only the director, or the
21 director's designee, may authorize expenditures from the account and
22 may expend up to one and one-half percent of the moneys deposited in
23 the account for administrative purposes. Grants, gifts, or other
24 financial assistance, proceeds received as administrative cost
25 contributions, and moneys made available to the state of Washington by
26 the federal government for youth athletic facilities, may be deposited
27 into the account.

28 NEW SECTION. **Sec. 10.** The legislature may appropriate funds
29 requested in the budget for grants from the account to the council for
30 allocation and disbursement.

31 NEW SECTION. **Sec. 11.** Interest earned on funds granted or made
32 available by the council may not be expended by the recipient but must
33 be returned to the source account for disbursement by the council in
34 accordance with general budget and accounting procedure.

1 NEW SECTION. **Sec. 12.** Youth athletic facilities with respect to
2 which money has been expended from the account may not, without the
3 approval of the council, be converted to uses other than those for
4 which the expenditure was originally approved. The council shall only
5 approve any such a conversion upon conditions that will assure the
6 substitution of other youth athletic facilities of at least equal fair
7 market value at the time of conversion and of as nearly as feasible
8 equivalent usefulness and location.

9 NEW SECTION. **Sec. 13.** The council may apply to an appropriate
10 agency or officer of the United States for participation in or the
11 receipt of aid from any federal program respecting youth athletic
12 facilities not specifically designated for another fund or agency. It
13 may enter into contracts and agreements with the United States or any
14 appropriate agency of the United States, keep financial and other
15 records relating to the contracts and agreements, and furnish to
16 appropriate officials and agencies of the United States such reports
17 and information as are reasonably necessary to enable such officials
18 and agencies to perform their duties under such programs.

19 NEW SECTION. **Sec. 14.** This chapter may be known and may be cited
20 as the youth athletic facilities act.

21 NEW SECTION. **Sec. 15.** Sections 1 through 14 of this act
22 constitute a new chapter in Title 43 RCW.

23 NEW SECTION. **Sec. 16.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 immediately.